



MEMORANDUM

CITY OF WATERTOWN, NEW YORK – PLANNING OFFICE
245 WASHINGTON STREET, ROOM 304, WATERTOWN, NY 13601
PHONE: 315-785-7730 – FAX: 315-782-9014

TO: Planning Board Members

FROM: Kenneth A. Mix, Planning and Community Development Coordinator

SUBJECT: Zone Change – 703 through 719 Washington Street

DATE: February 24, 2012

Request: To change the approved zoning classification of 703 through 719 Washington Street, parcels 11-12-126, 11-12-125, 11-12-124, and 11-12-123, from *Limited Business* to *Neighborhood Business*.

Applicant: Hedy Cirrincione

Owner: Hedy Schwandner (Cirrincione) (703, 707, 715), Maryellen Blevins (719)

SEQRA: Unlisted

County review: Not required

Comments: The applicant is requesting that the majority of the eastern side of the 700 block of Washington Street be rezoned to Neighborhood Business District. The applicant owns three of the subject properties, and wishes to use one for a healthcare-oriented retail use. The applicant does not specify which of the three structures would be converted to retail. All three are currently multi-unit residences.

The proposed retail use would change the parking requirements for the property. Retail businesses must have 5 spaces for each 1,000 square feet of floor area. 707 and 715 Washington both appear to have sufficient lot depth to accommodate 10 to 15 parking spaces, but 703 Washington is located on a shallow corner lot. The largest of the buildings has approximately 3,900 square feet of gross floor area, which could necessitate up to 20 parking spaces.

Setbacks and landscaping buffer requirements would be unaffected by the change.

The adopted Land Use Plan shows the area in question as “Medium Density Residential.” The zoning was changed from Residence C to Limited Business in 1989 at the request of Ms. Cirrincione. The change was controversial at the time because it was contrary to the Land Use Plan, which was under development.

This request would be a significant change in allowed uses. There have been a number of attempts to change sections of Washington Street to Neighborhood Business District (NBD) over the years that have failed. The nearest existing NBD parcel is approximately 1/3 of a mile south of the proposed change area. The nearest Commercial District is almost as far to the north.

If the Planning Board recommends approval, it should be clear in its decision that it does not consider the rezoning of these parcels to be “spot zoning.” The New York Court of Appeals has defined spot zoning as: “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of the other owners...; spot zoning is the very antithesis of planned zoning.” The New York Supreme Court has said that so long as a zoning amendment is made in accordance with the comprehensive plan, it will not be spot zoning.

The zoning along Washington Street has evolved differently than envisioned when the Land Use Plan was adopted. In addition to the zone change mentioned above, more area has been changed to Health Services District than originally intended.

cc: City Council Members
Robert J. Slye, City Attorney
Justin Wood, Civil Engineer II
Hedy Cirrincione, 427 Flower Ave. E.
Maryellen Blevins, 719 Washington St.